IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Crl.Rev.Pet.No. 741 of 1998()

CC.820/1997 of JUDL.MAGISTRATE OF FIRST CLASS-I, MUVATTUPUZHA
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REVN. PETITIONER:

K.K. JOLLY, S/O. KURIAN,
KANNATTUKUZHY VEEDU,
KUTHUKUZHY, KUTHUKUZHY VILLAGE.

BY ADV. SRI.N.A.MURALEEDHARAN
SRI.P.VISWANATHAN
SRI.VPK.PANICKER

RESPONDENTS:
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1. K.N. RAMAN NAMBOODTHIRI,
KALAPLAVU ILLOM, INJOOR KARAM KOZHIPPILLY,
KOTHAMANGALAM.

2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR MR. AMJAD ALI

R1 SRI.DINESH R.SHENOY

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 15-2-2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.741 OF 1998-C

DATED THIS THE 15TH DAY OF FEBRUARY 2007

ORDER

The petitioner is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act vide C.C.No.820 in the Court of the Judicial First Class Magistrate-I, Muvattupuzha. The court below dismissed the complaint under Section 204(4) Cr.P.C. as process fee was not paid. It is submitted that steps were taken earlier and non-bailable warrant was ordered to be issued through Dy.S.P. Muvattupuzha. It is submitted that there was no deliberate act on the part of the complainant in disobeying the order of the court below.

2. There is no representation on behalf of the counsel for the respondent.

In the circumstances, the Crl. Revision petition is allowed. The court below is directed to permit the petitioner to cure the defect and further pursue the matter. The petitioner shall appear before the court below on 7—3-2007.

K.R.UDAYABHANU, JUDGE

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